



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/720,471

11/25/2003

Lars Thogersen

02405.0218-03000

4378

22852

7590

05/03/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

FOX, CHARLES A

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,471

Applicant(s)

THOGERSEN, LARS

Examiner

Charles A. Fox

Art Unit

3652

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-34 and 36-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 14-34 and 36-38 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/169,361.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20051018.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14,17-20,32-34 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volby in view of Myron and further in view of . Mastracci et al.. Regarding claims 14,20,32-34 and 38 Volby US 5,584,376 teaches a ground vehicle for loading and unloading an aircraft comprising:

- a chassis supported by wheels;

- an inclined section (56)

- a segmented conveyor comprising a connected succession of conveyor units interconnected by pivotal joints mounted in said inclined section;

- said segmented conveyor having a first end disposed to be placed near an aircraft and a first end conveyor unit at said first end;

- said first end of segmented conveyor at least partially extendable into the aircraft cargo compartment;

- said segmented conveyor being stored in said inclined section when not extended. Volby does not teach folding the segmented conveyor when it is stored or tilting the inclined section. Myron US 4,164,338 teaches a segmented conveyor (34) that is stored such that it is in a folded position where one segment is positioned over at least two other segment of the conveyor. Myron does not teach tilting the device holding

Art Unit: 3652

the folding section. Mastracci et al. US 3,524,558 teaches a loading device for aircraft comprising :

a first extendable conveyor (118);

a second conveyor (116);

wherein said second conveyor is tilted via cylinder (18) in order to adjust the height of the device

a tailgate (254) at the second end of said second conveyor;

said tailgate being used to handle cargo;

wherein said second conveyor is tilted via first cylinder (18)

said tailgate being tiltable to various inclinations relative to said second conveyor;

a control system located outside of said aircraft for said tailgate, whereby an operator outside of the aircraft may change the inclination of the tailgate;

a second hydraulic cylinder (258) for pivoting said tailgate about a horizontal axis. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Volby with the folding conveyor as taught by Myron in order to shorten the length of the storage area, or allow a longer segmented conveyor to be stored in the original storage area and to further add the tilting mechanism taught by Mastracci et al. in order to allow the device to load and unload aircraft compartments of differing heights. .

Regarding claim 17 Volby further teaches a second conveyor (53) with a first and a second end, with said first end to be located proximate an aircraft.

Regarding claims 18,19,36 and 37 Volby also teaches said second conveyor as being an endless belt that is approximately coplanar with said segmented conveyor with the stored portion of said segmented conveyor generally parallel to said second conveyor.

Claims 15,16,21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volby, Myron and Mastracci et al. as applied to claim 14 above, and further in view of McWilliams. In regards to claims 15,16, 21, 22, 23, 24,30 and 31 Volby, Myron and Mastracci et al. teach the limitations of claim 14 as above, they do not teach using endless belts as the conveying means or varying the inclination of the first end section of the extendable conveyor. McWilliams US 3,885,682 teaches an extendable conveyor comprising:

- a plurality of conveyor units (70,40);
- a first end conveyor (70) for varying the inclination of the conveyor path;
- each conveyor unit (70,40) comprises an endless conveyor belt;
- wherein each endless belt is driven by a drive roller, one or more idler rollers which are supported by a frame which in turn is supported by a wheel carrying support member (150);

- a control panel located on the head (58) of said device to allow an operator within the vehicle to operate the device;

- a bridging device (133) for placement between a dock and a vehicle such that the conveying sections can move into said vehicle across a gap..

Art Unit: 3652

It would have been obvious to one of ordinary skill in the art, at the time of invention to modify the device taught by Volby, Myron and Mastracci et al. as taught by McWilliams in order to allow the device to compensate for the height of stored cargo, thereby letting the conveyor place or pickup cargo from any particular height in the cargo compartment, thus saving the operator from unnecessary lifting.

In regards to claim 25 the Volby and Myron references both further teach the width of individual conveying units as being much greater than their length. It would have been obvious to one of ordinary skill in the art, at the time of invention to use a length to width ratio similar to the one taught by Volby or Myron in order to allow the device to have a smaller turning radius about a horizontal axis.

Regarding claims 26-29 Volby further teaches the device as comprising:

releasable couplings between conveyor segments;

a mechanism (not numbered) for extending and retracting the segmented conveyor;

pivot units between said segments to allow at least limited vertical pivoting of one segment relative to another;

said pivots being near an outer periphery of said conveyor units.

Response to Amendment

The amendments to the claims filed on January 9, 2006 have been entered into the record.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

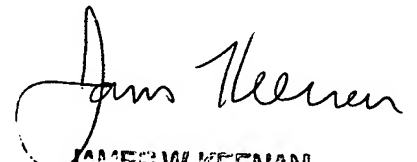
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAF
CAF
4-30-06


JAMES W. KEENAN
PATENT EXAMINER